

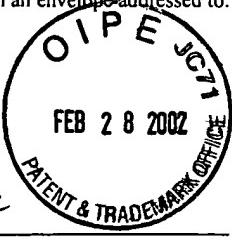
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TOWNSEND and TOWNSEND and CREW LLP

By: Brad J. Loos
Brad J. Loos



PATENT
Attorney Docket No.: 018803-002300US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

RODNEY A. BRENNEMAN et al.

Application No.: 10/038,413

Filed: October 23, 2001

For: SCALPEL SHEATH AND
METHODS FOR USE

Examiner: Unassigned

Art Unit: 3731

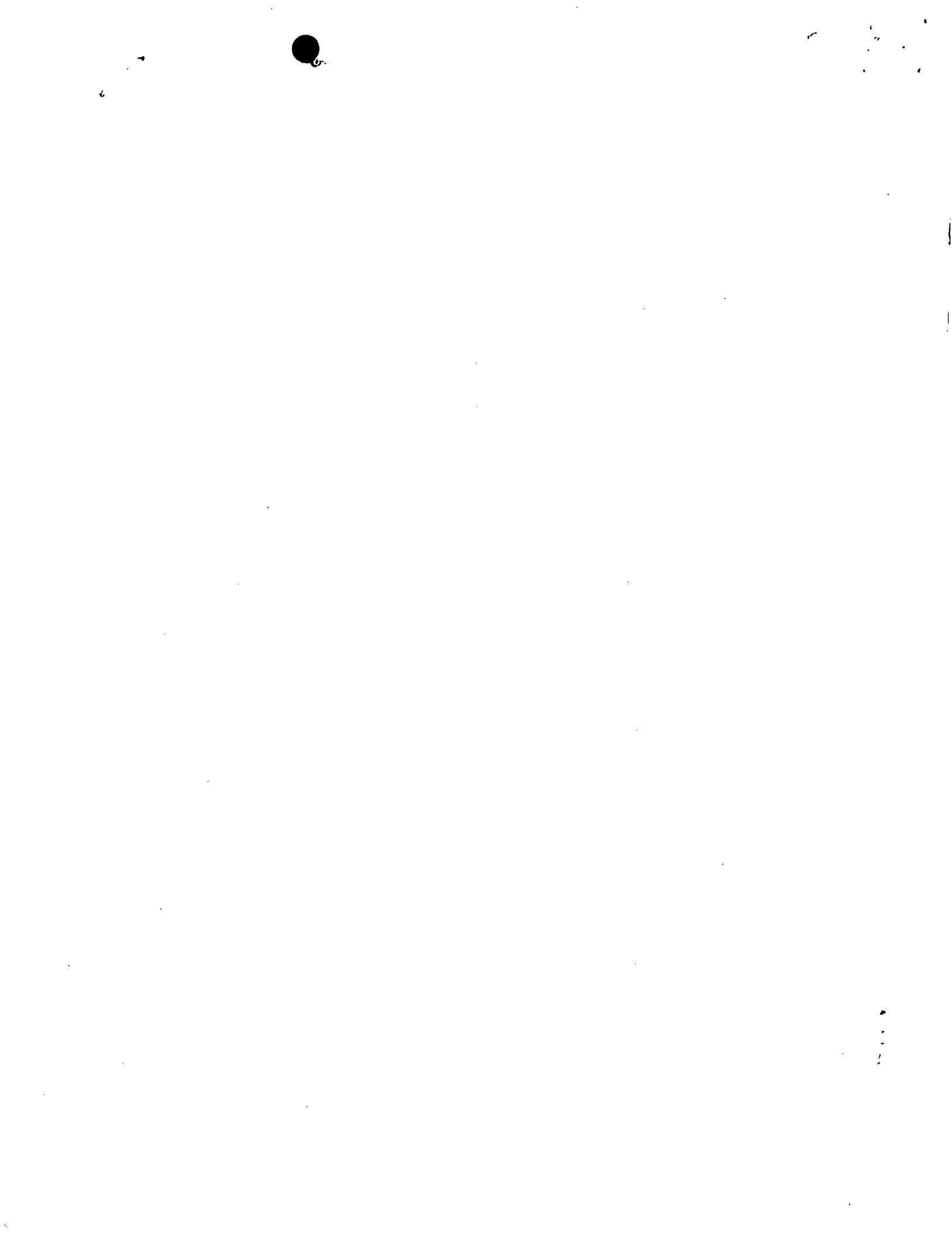
**INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

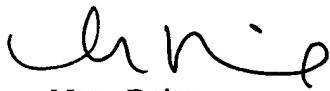
As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no



representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Nena Bains
Reg. No. 47,400

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

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of 3

Complete if Known

Application Number	10/038,413
Filing Date	October 23, 2001
First Named Inventor	RODNEY A. BRENNEMAN et al.
Group Art Unit	3731
Examiner Name	Unassigned
Attorney Docket Number	018803-002300US

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
AA	2,826,193			Vineberg	03/1958	
AB	3,455,298			Anstadt	07/1969	
AC	3,496,932			Prisk et al.	02/1970	
AD	3,613,672			Schiff	10/1971	
AE	4,048,990			Goetz	09/1977	
AF	4,192,293			Asrican	03/1980	
AG	4,536,893			Parravicini	08/1985	
AH	4,589,287			Dickens	05/1986	
AI	4,596,252			Nelson	06/1986	
AJ	4,603,705			Speicher et al.	08/1986	
AK	4,690,134			Snyders	09/1987	
AL	4,731,076			Noon et al.	03/1988	
AM	4,909,789			Taguchi et al.	03/1990	
AN	5,169,381			Snyders	12/1992	
AO	5,169,387			Kronner	12/1992	
AP	5,256,132			Snyders	10/1993	
AQ	5,269,319			Schulte et al.	12/1993	
AR	5,299,357			Wonderley et al.	04/1994	
AS	5,309,641			Wonderley et al.	05/1994	
AT	5,330,492			Haugen	07/1994	
AU	5,385,528			Wilk	01/1995	
AV	5,388,586			Lee et al.	02/1995	
AW	5,391,200			KenKnight et al.	02/1995	
AX	5,417,704			Wonderley	05/1995	
AY	5,466,221			Zadini et al.	11/1995	
AZ	5,484,391			Buckman, Jr. et al.	01/1996	
BA	5,496,345			Kieturakis et al.	03/1996	
BB	5,509,294			Gowing	04/1996	
BC	5,514,153			Bonutti	05/1996	
BD	5,540,711			Kieturakis et al.	07/1996	
BE	5,545,214			Stevens	08/1996	
BF	5,571,074			Buckman, Jr. et al.	11/1996	
BG	5,573,517			Bonutti et al.	11/1996	
BH	5,582,580			Buckman, Jr. et al.	12/1996	
BI	5,593,418			Mollenauer	01/1997	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

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		Number	Kind Code ² (if known)			
BJ	5,601,581			Fogarty et al.	02/1997	
BK	5,601,589			Fogarty et al.	02/1997	
BL	5,601,590			Bonutti et al.	02/1997	
BM	5,607,443			Kieturakis et al.	03/1997	
BN	5,618,287			Fogarty et al.	04/1997	
BO	5,624,381			Kieturakis	04/1997	
BP	5,653,726			Kieturakis	08/1997	
BQ	5,665,099			Pilo et al.	09/1997	
BR	5,667,479			Kieturakis	09/1997	
BS	5,667,520			Bonutti	09/1997	
BT	5,683,364			Zadini et al.	11/1997	
BU	5,685,826			Bonutti	11/1997	
BV	5,690,668			Fogarty et al.	11/1997	
BW	5,694,951			Bonutti	12/1997	
BX	5,702,416			Kieturakis et al.	12/1997	
BY	5,702,417			Hermann	12/1997	
BZ	5,707,390			Bonutti	01/1998	
CA	5,716,325			Bonutti	02/1998	
CB	5,730,748			Fogarty et al.	03/1998	
CC	5,730,756			Kieturakis et al.	03/1998	
CD	5,800,334			Wilk	09/1998	
CE	5,836,311			Borst et al.	11/1998	
CF	5,868,771			Herbert et al.	02/1999	
CG	5,904,711			Flom et al.	05/1999	
CH	5,910,124			Rubin	06/1999	
CI	5,910,144			Hayashi	06/1999	
CJ	5,931,850			Zadini et al.	08/1999	
CK	5,978,714			Zadini et al.	11/1999	
CL	6,171,282			Ragsdale	01/2001	
CM	6,200,280			Brenneman et al.	03/2001	
CN	6,253,099			Oskin et al.	06/2001	
CO	6,263,238			Brewer et al.	07/2001	
CP	6,280,463			Dupelle et al.	08/2001	

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FOREIGN PATENT DOCUMENTS

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		Office ³	Number ⁴	Kind Code ⁵ (if known)				
CQ	WO	WO 98/05289				02/1998		

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published.	RE SERVED ALL RDY
	CR	Buckman, Jr. et al., "Direct cardiac massage without major thoracotomy: Feasibility and systemic blood flow," <i>Resuscitation</i> 29 (1995) 237-248	2002
	CS	Buckman, Jr. et al., "Open-chest cardiac massage without major thoracotomy: metabolic indicators of coronary and cerebral perfusion," <i>Resuscitation</i> 34 (1997) 247-253	
	CT	BD Bard-Parker™ Protected Disposable Scalpel printed from http://www.bd.com/surgical/scalpel.asp on 02/14/02 (4 pages total).	

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